

EXHIBIT D

NATIONAL COURT REPORTING

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION

COPY

4
5 CARL G. SIMPSON & BONNIE REED
6 SIMPSON, CO-ADMINISTRATORS OF THE
7 ESTATE OF CARL D. SIMPSON, et al.

8
9 Plaintiffs,

10
11 VS. CIVIL ACTION

12 No. C-1-000014

13
14 INTERMET CORPORATION, et al.,

15
16 Defendants.

17
18 DEPOSITION OF THOMAS DERSHEM

19
20
21 STIPULATIONS

22 IT IS STIPULATED AND
23 AGREED, by and between the parties,

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1 into?

2 Q. Yes.

3 A. Certainly.

4 Q. And what did you look into
5 on them?

6 A. Lock-out provisions.

7 Q. Just electrical or for
8 other aspects of the machine, too?

9 A. Primarily electrical.

10 Q. Anything else other than
11 lock-out provisions?

12 A. The lock-out, the zero
13 energy state, which is the electrical
14 hydraulics, pneumatics.

15 Q. And what can you remember
16 from looking into that zero energy
17 state on the Sutters?

18 A. That there were lock-out
19 provisions on the -- with disconnect
20 switches for the electrical that were
21 capable of being padlocked, that the
22 hydraulic system could be locked out
23 with padlock on the electrical

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1 supply, and that the pneumatic
2 supply, air supply, which is the same
3 as a pneumatic, had a lock-out valve
4 on it.

5 MR. MUNSELL: Had a
6 lock-out what?

7 THE WITNESS: Lock-out
8 valve.

9 Q. Anything else involved in
10 the lock-out?

11 A. No, those are the primary
12 items.

13 Q. Did you yourself actually
14 lock-out this machine, the Sutters?

15 A. I have -- I don't enter a
16 machine that's not locked out.

17 Q. Can you describe for me the
18 process by which you would do that?

19 A. Yes, ma'am. We would turn
20 the machine off.

21 Q. And where would you turn
22 the machine off?

23 A. At the operator's panel.

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1 Q. And at that point would the
2 machine have been in automatic mode;
3 is that correct?

4 A. Well, no, you would make
5 sure that it was at the end of a
6 cycle before you shut it down unless
7 it was an emergency.

8 Q. Was there an emergency
9 button on this operator panel that
10 you would hit?

11 A. Yes, ma'am.

12 Q. And that would be hit prior
13 to starting lock-out or something
14 else would be hit?

15 A. You would stop the machine
16 cycle if it were an automatic cycle,
17 let it run to the end of its cycle.

18 Q. And then what would you do?

19 A. Then you would shut the
20 control power off on the machine with
21 the master stop button, which is also
22 the emergency stop button.

23 Q. And where is that located?

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1 A. It was in the operator's
2 panel.

3 Q. And then what would you do?

4 A. Go to the main electrical
5 disconnect and shut it off and
6 padlock it, shut the air off, padlock
7 it, pull the disconnect on the
8 hydraulic unit, and padlock it.

9 Q. Anything else?

10 A. No, ma'am.

11 Q. And you said that procedure
12 would be done in order to enter the
13 machine; is that correct?

14 A. That's the procedure I
15 followed to enter any piece of
16 equipment that I'm placing my body
17 parts in.

18 Q. When you were done placing
19 your body parts into the Sutters, or
20 the Sutters and the I-Beam, what then
21 would you do after the lock-out
22 procedure?

23 A. Reverse order.

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1 where the operator panel is see the
2 other control panel that you are
3 discussing, from that stand point, or
4 you don't know?

5 A. I don't remember all of
6 that.

7 Q. But from the operator's
8 panel could you see the area of the
9 machine that you just discussed in
10 terms of making sure that no one was
11 in the machine, from the operator's
12 panel?

13 A. Specifically in the
14 machine, yes.

15 Q. So the operator panel on
16 the Sutters and the I-Beam was
17 located in a location where you could
18 see whether someone was by the
19 machine or not?

20 A. Yes, ma'am.

21 Q. Is that correct? And this
22 diagram is what you think --

23 A. Yes, it's very basic.

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1 interface panel.

2 Q. And what was that for?

3 A. For being able to manually
4 cycle the machine, for setup and
5 troubleshooting purposes, it is not
6 intended for production.

7 Q. Does that mean that
8 operators weren't supposed to use
9 that manual function?

10 A. It doesn't mean that
11 they're not supposed to use it, it
12 means that it's not the way you
13 operate the machine to produce the
14 parts. You have an automatic cycle
15 to produce the parts.

16 Q. And this was done at the --
17 this manual function was done at the
18 operator's control panel?

19 A. Yes, ma'am.

20 Q. Were you -- was this manual
21 function done at any other area of
22 the machine?

23 A. No, ma'am.

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1 Q. Were you aware of any
2 valves being manipulated in order to
3 manually move the machine?

4 A. No, ma'am.

5 Q. You never saw that done?

6 A. No, ma'am.

7 THE WITNESS: May we take a
8 short break?

9 Q. Sure.

10 (Whereupon, a break was
11 taken.)

12 Q. Before we plunge into the
13 exciting exhibits that we have, I'm
14 going to ask you a couple of
15 questions that aren't really related
16 to the exhibits just so maybe we can
17 get through some of these questions
18 quicker, and that is: Mr. Dershem,
19 are you aware of what happened to
20 Carl Simpson in September of 1999 at
21 Ironton?

22 A. Only as a result of the
23 deposition.

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1 left?

2 A. Yes, ma'am.

3 Q. You weren't aware of it
4 going to Lynchburg or moving at all?

5 A. No.

6 Q. And who would have been in
7 charge of that at Irononton?

8 A. Mike Asher. Anyone with
9 the Allen Bradley software, the
10 programming software and on a laptop
11 computer that knew what they were
12 doing could plug into the PLC and
13 make a copy of the program.

14 Q. Would they need a specific
15 password in order to get that
16 information or pretty easily
17 accessible?

18 A. I don't recall whether this
19 was password protected or not.

20 Q. Did you have a laptop where
21 you could access it yourself?

22 A. I personally didn't have
23 one but the plant had one, yes, and

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1 EC&S had one.

2 Q. And if you wanted to access
3 you would go to either EC&S or Mike
4 Asher in order to access it; is that
5 correct?

6 A. Right.

7 Q. Does this appear to you to
8 be a PLC program for a Sutter, is
9 that your understanding of what this
10 appears to be?

11 A. Yes.

12 Q. I'm going to ask you to
13 take a look at page 348. Does that
14 page show how the control panel would
15 be used to raise the strip in the
16 cope?

17 A. Yes, ma'am, the right side.

18 Q. And all the way over to the
19 right side where it says right side
20 strip up indicator, right side
21 unloader -- it would be the right
22 side strip up indicator, is that what
23 you're refer ring to?

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1 A. No, I'm looking where it
2 says right side strip up in the
3 middle of the page.

4 Q. Okay.

5 A. Output 02316.

6 Q. Okay.

7 A. That would be the output
8 that would drag the solenoid valve to
9 cause the strip to come out.

10 Q. And that would be done at
11 the operator's panel?

12 A. Operator's panel.

13 Q. Okay. Well, we're done
14 with the -- looking at Book 1, and
15 actually 2 is going to be even
16 faster.

17 (Whereupon, a break was
18 taken.)

19 Q. I'll call your attention to
20 page No. 7711 within that Exhibit 9,
21 and it appears -- you might want to
22 look at 7709, 7710 as sort of the
23 cover pages to that. And I'm

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1 take a look at Exhibit No. 39.
2 Before I get to a question on that,
3 though, I do -- one non-document
4 related question, that is with Ford,
5 this I-Beam project was for Ford; is
6 that correct?

7 A. Yes, ma'am.

8 Q. Did Ford ever come to
9 Irononton to give you information on
10 what they wanted on this I-Beam
11 project, on how to assemble it?

12 A. All they wanted was parts.

13 Q. They just wanted the
14 product?

15 A. Right.

16 Q. So they weren't at all
17 involved in the decision making?

18 A. No, ma'am.

19 Q. They weren't designing the
20 PLC logic behind the scenes?

21 A. No, ma'am.

22 Q. Actually, I'll start with
23 37 before we get to 39 because I want

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1 Q. But as far as you are
2 concerned, based upon these two
3 exhibits, 70 and 28, there was a
4 means to operate the valve manually
5 from the control panel?

6 A. That is correct.

7 Q. And I believe you told us,
8 at least the time that you were with
9 Intermet up until you left in 1994,
10 you were not aware of people using a
11 manual override or a mechanical
12 override method to do it?

13 A. That's correct.

14 Q. That would actually be a
15 more correct way of saying it, it
16 would be a mechanical override when
17 you go in and stick a screwdriver or
18 welding rod into the valve; is that
19 correct?

20 A. That is correct.

21 Q. Now, when you get the court
22 reporter's version of Exhibit 82,
23 which is this large hydraulic